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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,415	09/23/2003	Ronald S. Cok	86741SHS	2020

7590 02/22/2007
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EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2828

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/668,415

Applicant(s)

COK ET AL.

Examiner

Dung (Michael) T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-38, 42, 43, 45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-38, 42, 43, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 35-38, 42-43, and 45-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear that what a plurality of light emitting species having different and random orientations with respect to each other means and the instant specification does not disclose how a plurality of light emitting species having different and random orientations with respect to each other.

Claims 36-38, 42-43, and 45 are also rejected due to their dependency of claim 35.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 35-36, 39, 42, and 46 are rejected under 35 U.S.C. 102(a) as being anticipated by Jiang et al. (2003/0007538).

With respect to claim 35 and 46, Fig.2 discloses an asymmetric light emitting structure (VCSEL) for producing polarized light, comprising:

- a) an asymmetric geometric element 200 that includes a light emitting layer 206 responsive to light from an excitation layer 203 for producing the polarized light;
- b) wherein the asymmetric geometric element has a first dimension different from a second orthogonal dimension in the plane orthogonal to the light emitting layer (side and flat surfaces);
- c) wherein the light emitting layer includes a plurality of light emitting species (Al, Ga, In, and As are different species) having different and random orientations with respect to each other (para.0017);
- and d) means for excitation of the excitation layer 202 (contact).

With respect to claims 36 and 38, para.0017 discloses the light emitting layer 206 comprises inorganic materials from compound groups II-V.

With respect to claim 42, Fig.2 discloses a grating 212.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (2003/0007538) in view of Spoonhower et al. (2004/0190484). Jiang et al. disclose all limitations of the claim except for the organic light emitting materials consisting polymer.

Spoonhower et al. teach the organic light emitting materials consisting polymer (para.0004).

it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Jiang et al. what is taught by Spoonhower et al. because organic lasers are inexpensive to manufacture and able to have larger gain bandwidth in comparison with inorganic lasers (para.0004).

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (2003/0007538) in view of Amos et al. (67853200). Jiang et al. disclose all limitations of the claim except for the grating improves surface plasmon light output coupling.

Amos et al. teach the grating improves surface plasmon light output coupling (col.4, l.4-33).

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it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Jiang et al. what is taught by Amos et al. to generate the light polarization (col.4, l.4-33).

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (2003/0007538) in view of El-Bahar (2004/0179566). Jiang et al. disclose all limitations of the claim except for the white light.

El-Bahar teaches the light emitting layer emits white light (para.0006).

it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Jiang et al. what is taught by El-Bahar to alternate the output light color from the VCSEL structure (para.0006).

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

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Dung Nguyen

Michael Dung Nguyen

1/8/07